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SIPDIS

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SUBJECT: BULGARIA'S BIOSAFETY LEGISLATION: CARTAGENA
PROTOCOL

REF: STATE 259661

1. Bulgaria ratified the Cartagena Protocol on Biosafety in 2000. In 1996 Bulgaria set out a Biosafety Decree regulating biotechnology work for contained use, and field testing. Commercialization and trade (both imports and exports) were not subject to this decree. Therefore, the legislation was de facto silent on the trade implementing regulations of the Cartagena Protocol.

2. Bulgaria started transposing the EU biotech legislation in 2003/2004, due to its impending EU accession in 2007. A Genetically Modified Organism (GMO) Law was drafted and submitted to the Parliament in March 2004. Due to its political sensitivity, this law is still in the Parliament. Unofficially, the Committees on Agriculture, Environment and Health, which have responsibility for this law, claim that nearly two-thirds of the legislation has already been approved. Final approval of the whole package is expected in early 2005.

3. Under the current draft, the new GMO Law will cancel any preceding regulations, such as the Biosafety Decree of 1996. The proposed legislation is based on the EU regulations, but in many areas is much more restrictive than the EU biotech legislation. For example, the current draft would create a list of specific products (tobacco, roses, etc.) that are banned from commercialization as GM crops. Also, it calls for certain geographic areas beyond the normal buffer zones (national parks, national reserves, expanded buffer zones) to remain GMO-free.

4. According to most researchers, experts, and politicians, the law will not be enforceable. Furthermore, the law, if approved by March 2005 as currently planned, will need further modifications in order to reflect recent changes in the EU legislation.

5. We have met with members of the relevant committees to discuss the law and will continue to work with them to make it more acceptable. Post looks forward to a potential January visit of State Dept's Senior Advisor for Agricultural Biotechnology, Madelyn Spirnak, to reinforce our message.